



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,490	04/06/2005	Yoshihiro Takagi	00862.023277.	6686
5514 7590 03/16/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
YU, XIANG				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
03/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/530,490

**Applicant(s)**

TAKAGI, YOSHIHIRO

**Examiner**

Xiang Yu

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission last filed on October 1<sup>st</sup>, 2008 has been entered.

***Priority***

2. Please note that the applicant's claim for foreign priority has been re-evaluated and the applicant should note the following:

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on October 29<sup>th</sup>, 2002. It is noted, however, that applicant has not filed a certified copy of the 2002-314927 application as required by 35 U.S.C. 119(b).

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on November 08<sup>th</sup>, 2002. It is noted, however, that applicant has not filed a certified copy of the 2002-325759 application as required by 35 U.S.C. 119(b).

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on September 04<sup>th</sup>, 2003. It is noted, however, that applicant

has not filed a certified copy of the 2003-313081 application as required by 35 U.S.C. 119(b).

### ***Response to Remarks/Arguments***

3. This is a non-final Office Action in response to the present US application number 10/530,490 last filed on January 09<sup>th</sup>, 2009, where claims 1-7 are pending and have been examined.

In response to applicant's remark on claims 1, 6, and 7 about the determination step involving a network address, the examiner respectfully disagrees. *Machida, Haruo* does disclose of a determining step based on the previous steps and includes the network address (i.e. IP address) of the client device(s). The distribution of the client device(s) drivers would follow as well as mentioned.

See the following rejections for further clarifications. Applicant's arguments are thus not persuasive.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-7** are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Publication No. US 2002/0083431 A1 to *Machida, Haruo* ("*Machida*").

As to **claim 1**, *Machida* discloses an information processing method of distributing executed in an information processing apparatus which distributes across a network a printer driver program for controlling a printing device to a client apparatus for managing the printing device, said method comprising:

**a designation step of designating range information for searching for a printing device connected to the network.** In particular, *Machida* further discloses the concept within one of the various embodiments wherein various domains (or range) are designated and the client units (i.e. personal computers, inkjet printers, digital cameras, copy machines with printing functions, etc...) found within those domains can get their driver updates if needed (e.g. *Machida*: paragraphs [0071-0072] and [0083] and Figures 4, 5, and 7);

**a search step of searching for the printing device which is controlled by installing the printer driver program to the client apparatus.** In particular, *Machida* discloses the concept within one of the various embodiments wherein within a selected (restricted) domain (or range), all the readily available PCs and their peripheral devices can be searched, found, and displayed through a graphical interface (e.g. *Machida*: paragraphs [0074], [0078], [0093] and Figures 4, 5, and 7). Those units that require driver updates (within a selected domain)

would be selected and further steps would ensure they get the updates (e.g. *Machida*: paragraph [0083] and Figure 7). Finding the client personal computer would be equivalent to finding the printer device since they are connected as depicted in Figure 5 wherein the expanding list displays a network containing a plurality of domains, wherein each domain contains at least one of multiple client personal computers and at least one of the computers contains multiple printers, scanners, and a facsimile machine (e.g. *Machida*: Figure 5, domain of "MY PC");

**a determination step of determining whether or not the printing device searched in the search step has a network address within the range information designated in the designation step.** In particular, *Machida* further discloses the concept within one of the various embodiments wherein an installation unit determines on the setup of the drivers for the client devices that were specified or chosen earlier. The setup operations would contain the driver information of the various client devices (i.e. name, IP address, OS type, etc...) (e.g. *Machida*: paragraphs [0083] and [0073] and [0018]); and

**a distribution step of distributing a printer driver program, from the information processing apparatus to the client apparatus, for managing the printing device determined in the determination step as the printing device having the network address within the range information designated in the designation step.** In particular, *Machida* discloses the concept within one of the various embodiments of distributing driver information that controls the peripheral client device(s) that are connected to the client devices (i.e. printer driver

information is distributed to the printer that is connected to the client computer terminal). The clients were determined from the previous determination step. The distribution step incorporates all the previous steps of determining the devices within a range (or domain) and given the driver information which includes the network address (i.e. IP address, e.g. *Machida*: paragraph [0072-0073]) and thus is able to distribute to all the client devices at the end (e.g. *Machida*: paragraphs [0018], [0072-0073], [0083], [0085] and Figures 3-5, and 7).

As to **claim 2**, *Machida* further discloses **the method according to claim 1, further comprising an acquisition step of acquiring address information of the printing device on the basis of data obtained by the result of search of the printing device in the search step,**

**wherein the distribution step performs the distribution process by using the address information acquired in the acquisition step.** In particular, *Machida* further discloses the concept through various embodiments including (1) an exemplary driver information structure (e.g. Figures 3 and 5) which contains relevant information (i.e. IP address information) about the various peripheral device(s) (i.e. printers or scanners) connected to the client personal computer within the network, (2) an exemplary screen displaying the PCs and peripheral devices on the network (Figure 4), and (3) an exemplary screen displaying the driver setup status of each client unit on a network (e.g. *Machida*: Figure 5). All this information is obtained or acquired in the searching and acquisition step

previously mentioned. Ultimately, the whole process of distributing and installing the drivers for the printers or anything other peripheral devices are shown in the illustrations (e.g. *Machida*: Figures 4-9).

As to **claim 3**, *Machida* further discloses **the method according to claim 1, further comprising a recognition step of recognizing a preparation completion notification indicating that an accepting module which is activated in the client apparatus as a transfer destination of the printer driver program and receives the printer driver program is prepared, wherein the distribution step distributes the printer driver program in response to recognition of the preparation completion notification in the recognition step.** In particular, *Machida* further discloses the concept of wherein the information processing unit comprises of recognizing means for recognizing setup instruction(s) and driver information. In addition, *Machida* further discloses of program managing means for distributing or installing the driver information on the client units that control the peripheral devices (i.e. printers, scanners, etc.) all in response to recognizing the initial setup instruction(s) (e.g. *Machida*: paragraphs [0019-0020]).

As to **claim 4**, *Machida* further discloses **the method according to claim 2, wherein the acquisition step acquires network address information corresponding to the range information for search, on the basis of data**



**obtained by the result of search of the printing device.** In particular, *Machida* further discloses the concept of wherein the acquired data contains relevant information (i.e. IP address information) about the various peripheral device(s) (i.e. printers or scanners) connected to the client personal computer within the network (e.g. *Machida*: Figure 3). This IP address would be corresponding to the range (or domain) that was set in the earlier determining step.

As to **claim 5**, *Machida* further discloses **the method according to claim 1, wherein the range designated to search for the printing device is designated for each domain, each OU (Organization Unit) in a directory service, or each IP address.** In particular, *Machida* further discloses the concept of wherein the unit of the range is in the form of IP addresses across various domains (e.g. *Machida*: Figure 3). The range of the client unit would correspond to the range of the printer device(s), since they would be within the same network (i.e. output port is on the same local output network).

As to **claim 6**, see the similar conceptual rejection of claim 1.

As to **claim 7**, see the similar conceptual rejection of claim 1.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571)270-5695. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrice L. Winder can be reached on (571)272-3935. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/  
Primary Examiner, Art Unit 2445

/X. Y./  
Examiner, Art Unit 2445